

DEC 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BECKER *et al.*

Serial No: 10/091,177

Filed: March 4, 2002

For: THREE HYBRID ASSAY SYSTEM

Attorney Docket No. DFMP-P01-018

Art Unit: 1631

Examiner: Martinell, James

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Mary Jane DiPalma

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

This response is filed in reply to the outstanding Restriction Requirement, mailed November 17, 2004, in connection with the above application. Applicants hereby elect Group I, claims 1-21, 23-27, and 62, *with traverse*, on the following grounds.

Applicants traverse this restriction requirement on the basis that the Groups are so closely related and they share common features that would facilitate searching all groups at once. For example, searching the subject matter of the polypeptides of Group I will necessarily entail the searching of subject matters claimed in Groups II – VI. Therefore, a search and examination of all pending claims can be made without imposing additional serious burden on the Examiner. In particular, claim 22, which depends from claims 16 and 17 of Group I, should be examined together with Group I, and in any case will have to be rejoined upon allowance of the claims from which it depends. MPEP 809.04. Accordingly, reconsideration is respectfully requested.

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,

Date: December 14, 2004



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